

REDACTED FOR PUBLIC INSPECTION

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

VERIZON VIRGINIA LLC and)	
VERIZON SOUTH INC.,)	
)	
Complainants,)	Docket No. 15-190
)	
v.)	File No. EB-15-MD-006
VIRGINIA ELECTRIC AND POWER COMPANY)	
d/b/a DOMINION VIRGINIA POWER)	
)	
Defendants)	
)	

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

Virginia Electric and Power Company d/b/a Dominion Virginia Power (“Dominion”), by and through its undersigned counsel, and pursuant to 47 C.F.R. § 1.1407(a), respectfully requests that the Enforcement Bureau grant an extension of time of thirty (30) additional days within which Dominion may file its response to the Complaint in the above-captioned proceeding. The extended deadline for filing Dominion’s response, if granted pursuant to this Motion, would be November 18, 2015.

In support of this Motion, Dominion states as follows:

1. On August 3, 2015, Complainants, Verizon Virginia LLC and Verizon South, Inc. (together, “Verizon”) filed with the Commission the complaint in the above-captioned proceeding (“Complaint”).
2. On August 12, 2015, Dominion filed with the Commission a Motion requesting an extension of time to file its response to the Complaint. In support of its Motion, Dominion stated that additional time would be needed to respond to the enormous volume of materials comprising

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the Complaint, including four (4) affidavits, and independent expert economic analysis.¹ Further, Dominion underscored that the Commission's pole attachment complaint rules provide Dominion only one chance to respond to alleged damages up to \$16.8 million.²

3. On August 17, 2015, the Enforcement Bureau granted Dominion's Motion, in part, establishing a modified filing deadline of October 19, 2015.³

4. Within the past six (6) weeks, Dominion retained, and began working with its own economic expert to review Verizon's analysis both of the parties' agreed-upon joint use rates, and the pole attachment rate that Dominion charges to telecommunications carriers, pursuant to Section 224(e) of the Act.⁴ Dominion also engaged several members of its business units to compile data needed to evaluate Verizon's claims regarding the benefits that it receives as an historic joint user of Dominion's poles, and to prepare affidavits supporting Dominion's response to the Complaint.⁵ This work has required coordinating the schedules of individuals located in five (5) different cities, for regular face-to-face and telephonic meetings. Although Dominion has made diligent efforts to meet the current October 19, 2015 filing deadline, Dominion approximates that an additional thirty (30) days will be needed to complete its comprehensive response to all claims raised in Verizon's Complaint.

5. The extension of time requested will not prejudice Verizon, or cause undue delay in the proceedings before the Enforcement Bureau. In fact, as Verizon has withheld ninety percent (90%) of the pole rental fees due for calendar year 2015, or approximately [REDACTED], it is

¹ See Motion for Extension of Time to File Response of Virginia Electric and Power Company d/b/a Dominion Virginia, EB-15-MD-006, Docket No. 15-190 (Aug. 12, 2015) ("Motion").

² See *id.*

³ See Letter from Lia Royle, Federal Communications Commission, Enforcement Bureau, Market Disputes Resolution Division to Brett Heather Freedson et al., Counsel to Dominion Virginia Power (Aug. 17, 2015).

⁴ See Complaint, Affidavit of Mark S. Calnon, PH.D. (appended as Exhibit A), Affidavit of Timothy J. Tardiff, PH.D. (appended as Exhibit D).

⁵ See Complaint, Sections II(C) and II(D), and Affidavit of Mark S. Calnon, PH.D. (appended as Exhibit A).

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Dominion – and *not* Verizon – which will suffer greater financial harm as the result of an extended procedural schedule.⁶ In addition, Dominion continues to honor fully and operate under the parties' existing joint use agreement, so Verizon's withholding of payment has not and will not affect its operations during any brief extension period. On balance, however, Dominion believes that developing a complete and accurate record to inform the decision-making process ultimately will benefit the Commission and both parties and outweighs any financial exigencies.

6. On October 1, 2015, Dominion's counsel contacted Verizon's counsel for purposes of obtaining Verizon's consent to the extension of time requested herein. Verizon is unwilling to grant Dominion *any* additional time to respond to its Complaint, primarily due to its own scheduling conflicts, and the inconvenience of filing its reply in the December time frame. Although Dominion has offered to discuss mutually agreeable dates that would accommodate Verizon, this effort has been to no avail. Dominion nonetheless remains committed to addressing in good faith any scheduling issues Verizon may encounter.

⁶ See Letter from Steve Mills, Network Operations & Engineering, Verizon Wireline Network to Mike Roberts, Virginia Electric and Power Company (Sept. 8, 2015) (attached) (transmitting partial payment of pole rental fees for 2015 in the amount of [REDACTED]). Pursuant to the parties' current joint use agreements, Dominion invoiced to Verizon pole rental fees for 2015 in the total amount of [REDACTED].

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WHEREFORE, for the reasons set forth herein, Dominion requests an extension of time of thirty (30) additional days within which Dominion may file its response to the Complaint.

Respectfully submitted,



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Dated: October 7, 2015

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2015, I caused a copy of the foregoing Motion for Extension of Time to File Response to be served on the following (service method indicated):

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A handwritten signature in cursive script, reading "Brett H. Freedson", written over a horizontal line.

Brett Heather Freedson